

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**CASE NO. 8:03CR267**

**Plaintiff,**

## ORDER

**VS.**

**RODNEY HARRISON,**

**Defendant.**

This matter is before the court on the mandate filed by the Eighth Circuit Court of Appeals (Filing No. 154) and the motion to withdraw and for appointment of counsel filed by defense counsel Raymond J. Rigat (Filing No. 155).

### ***Appointment of Counsel***

Leave will be granted for Raymond J. Rigat to withdraw, and the Federal Public Defender for the District of Nebraska will be appointed to represent the Defendant, Rodney Harrison.

### ***Further Action in Light of Mandate***

The Eighth Circuit reversed and remanded this case in light of this Court's denial without comment of Harrison's motion to amend his motion to correct, vacate, or set aside his sentence pursuant to 28 U.S.C. § 2255.

The motion to amend the Defendant's § 2255 motion is therefore granted, and the Clerk will be directed to file a copy of the amended motion attached to Filing No. 125 as the Defendant's amended motion to correct, vacate, or set aside sentence pursuant to 28 U.S.C. § 2255.

Once the motion has been refiled as an amended § 2255 motion, the claims will be readdressed on initial review in a memorandum and order.

IT IS ORDERED:

1. The motion to withdraw (Filing No. 155) is granted, and Mr. Rigat is granted leave to withdraw from further representation of the Defendant, Rodney Harrison;
2. The Defendant's motion for appointment of counsel (Filing No. 155) is granted. The Federal Public Defender for the District of Nebraska is appointed to represent the above-named defendant in this matter. In the event that the Federal Public Defender accepts this appointment, the Federal Public Defender shall forthwith file a written appearance in this matter. In the event the Federal Public Defender should decline this appointment for reason of conflict or on the basis of the Criminal Justice Act Plan, the Federal Public Defender shall forthwith provide the court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Criminal Justice Act Plan for this district;
3. The Clerk shall provide a copy of this order to the Federal Public Defender for the District of Nebraska; and
4. The Clerk is directed to file a copy of the amended motion attached to Filing No. 125 as the Defendant's amended motion to correct, vacate, or set aside sentence pursuant to 28 U.S.C. § 2255.

DATED this 20<sup>th</sup> day of March, 2007.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge